

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In re Request of

MULTIMEDIA ENTERTAINMENT, INC. 8330-MM

For Declaratory Ruling

**STAFF RULING**

Adopted: June 13, 1994;

Released: June 21, 1994

By the Chief, Fairness/Political Programming Branch:

1. The Commission has before it a request for a declaratory ruling filed on November 8, 1993, by Multimedia Entertainment, Inc. (Multimedia). Multimedia seeks a Commission determination that news interviews broadcast during its "Jerry Springer" program (Springer) are "bona fide news interviews," exempt from the "equal opportunities" provision of Section 315(a) of the Communications Act of 1934, as amended.

2. Multimedia contends that Springer satisfies the Commission's criteria for a "bona fide news interview" exemption under Section 315(a)(2). According to Multimedia, Springer is a one-hour syndicated program distributed for broadcast Monday - Friday, to approximately 143 stations nationwide. Multimedia also states that Springer has been broadcast on a regular basis since 1991, and that news interviews are regularly scheduled on the program. Springer is filmed before a studio audience and is hosted by broadcast journalist Jerry Springer. Multimedia asserts that it retains control over the program by selecting all program topics and questions asked interviewees. Further, Multimedia contends that Mr. Springer's experience as a former news anchor and commentator enables him to control the program's format and questioning by the studio audience so as to avoid the advancement of any candidate. Multimedia states that all guests are selected on the basis of their expertise or potential audience interest and are not chosen in order to advance the candidacy of a particular person or persons. Finally, Multimedia asserts that with regard to the characteristics listed above, Springer is identical to its "Donahue" and "Sally Jessy Raphael" programs, which the Commission has held to be exempt from the "equal opportunities" provisions of Section 315(a) of the Act.<sup>1</sup>

**DISCUSSION**

3. Section 315 of the Communications Act provides that if a licensee permits a legally qualified candidate for public office to use a broadcast station, it must afford equal opportunities to other such candidates for that office. In 1959,

Congress, in an effort to encourage increased news coverage of political campaign activity, amended Section 315 to exempt from equal opportunities appearances by legally qualified candidates on the following news programs:

- (1) bona fide newscast.
- (2) bona fide news interview.
- (3) bona fide news documentary (if the appearance of the candidate is incidental to the presentation of the subject or subjects covered by the news documentary), or
- (4) on-the-spot coverage of bona fide news events (including but not limited to political conventions and activities incidental thereto).

47 U.S.C. Section 315(a)(1-4). In determining whether a program qualifies as a "bona fide news interview", the Commission considers the following factors: (1) whether it is regularly scheduled; (2) whether the broadcaster or an independent producer controls the program; and (3) whether the broadcaster's or independent producer's decisions on the format, content and participants are based on newsworthiness rather than on an intention to advance an individual's candidacy. *See Request for Declaratory Ruling on Independently Produced News Interviews*, 7 FCC Rcd 4681 (1992).

4. Based on the information contained in Multimedia's request, it appears that the news interview segments of Springer are exempt from equal opportunities as bona fide news interviews under Section 315(a)(2). Springer has been regularly scheduled since 1991. The Commission has recognized that regularly scheduled programs that do not exclusively address current events, but which do include "bona fide" news interviews on a regular basis are eligible for the "news interview" exemption.<sup>2</sup> Multimedia represents that news interviews are regularly scheduled on Springer. Multimedia also represents that it retains control over the program's topics and questions asked interviewees and that the program's host is able to control audience participation and program content during the show. Moreover, according to Multimedia, all topics are selected on the basis of newsworthiness in the exercise of the producer's reasonable good faith judgment, with no intent to further any candidacy.

5. In view of the foregoing considerations, we believe that to the extent Multimedia regularly produces, and licensees regularly schedule for broadcast, bona fide news interviews, such program segments containing bona fide news interviews are exempt from Section 315(a) of the Communications Act. Accordingly, Multimedia's instant request as specified above is GRANTED.

6. Staff action is taken here pursuant to delegated authority.

<sup>1</sup> *Multimedia Entertainment, Inc.*, 56 RR 2d 143 (1984) ("Donahue"); *Multimedia Entertainment, Inc.*, 68 RR 2d 1545 (1987) ("Sally Jessy Raphael").

<sup>2</sup> *Multimedia Entertainment Inc.*, 56 RR 2d 143, 148 (1984).

FEDERAL COMMUNICATIONS COMMISSION

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